

### REMARKS

We are in receipt of the Office Action dated December 3, 2003 and Notice of Non-Complaint Amendment dated April 15, 2004, and the following remarks are made in light thereof.

Claims 9-12, 17-20 and 33-44 are pending in the application, claims 1-8, 13-16, 21-32 and 45-58 having been withdrawn and canceled without prejudice pursuant to the election filed on August 18, 2003.

Pursuant to the Office Action, claims 9-12, 17-20 and 33-34 are provisionally rejected under the judicially-created doctrine of obviousness-type double patenting over the claims of co-pending application 10/158,658. Claims 12, 17-20, 36, 40, and 41-44 are rejected for indefiniteness. Claims 9, 1, 17, 19, 33, 35, 37, 39, 41, and 43 are rejected as being anticipated by Tang et al. EP 0704912. Claims 10, 18, 32 and 34 are rejected as being obvious over Tang et al.

With respect to the rejections under 35 USC 112, claims 17 and 41 have been amended to substitute "insulative" for "insulating". In addition, applicant notes that claims 17 and 14 do not read "the cathode insulative", but read "make a portion... insulative". Thus, applicant believes that there is sufficient antecedent basis for the cathode recited in these claims. Claims 12, 20, 36, 40 and 44 have been canceled, thus rendering

the rejection under 35 USC 112 moot. However, applicant notes that the light emitting device of the present invention is included in an electric device selected from the group recited in these canceled claims.

With respect to the rejection of claims 9, 11, 17, 19, 33, 35, 37, 39, 41 and 43 as being anticipated by Tang et al., each of the independent claims 9, 17, 33, 37 and 41 has been amended to include the features that (1) a first voltage and a second voltage are alternatively applied between the anode and the cathode, and (2) a difference between the first voltage and the second voltage gradually increases with time. See Fig. 1B. As Tang et al. fails to teach these features, applicant submits that the rejection for anticipation is overcome. Each of claims 10, 18, 34 and 42, which were rejected for obviousness over Tang et al., depend from an allowable base claim and are thus believed to be allowable for at least the same reasons.

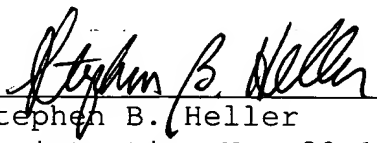
With respect to the double patenting rejection as this is a provisional rejection, applicant respectfully requests that it be held in abeyance until an indication that the present application contains allowable subject matter is received.

Finally, attached is a copy of one of pages of Form 1449 submitted by the applicant in connection with the present application. The examiner has not initialed cited numbers 15-18. Applicant respectfully requests that the examiner indicate

consideration of these references in the response to the present amendment.

Based upon the foregoing, applicant respectfully submits that the application is in condition for allowance, and an early Office Action in this regard is earnestly solicited.

Respectfully submitted,

  
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